

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES HENRY WASHBURN, et al.

No. C 03-0869 MJJ

No. C 03-1194 MJJ

Plaintiffs

ORDER

v.

ALEX FAGAN, JR., et al.,


Defendants.

At oral argument on September 27, 2005, the Court instructed Plaintiffs to file an offer of proof, no later than September 30, 2005, regarding Defendant Fagan's deposition testimony and to highlight the particular facts that would be elicited from that testimony that would preclude the grant of summary judgment as to Plaintiffs' *Monell* claims. Defendants should file a response to Plaintiffs' offer of proof no later than Friday, October 7, 2005. Plaintiff may, if they so choose, file a reply to Defendants' response no later than Wednesday, October 12, 2005. Each submission should not exceed five pages.

Additionally, the Court notes that Magistrate Judge LaPorte ordered Defendants to produce documents relating to the use of force log entries to which Sergeant Stansberry testified. (June 9, 2005 Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel at ¶2.) Both parties should briefly address whether Defendants have produced these documents.

IT IS SO ORDERED.

Dated: September 27, 2005



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE